

PALAU 2022 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Palau is a constitutional republic with a national government consisting of independent executive, legislative, and judicial branches. Voters directly elect the president, vice president, and members of the legislature for four-year terms. In November 2020 voters elected Surangel Whipps, Jr. president in a free and fair election.

The Bureau of Public Safety supervises the Division of Maritime Security and is responsible for law enforcement and maintenance of order. The bureau reports to the Minister of Justice. Civilian authorities maintained effective control over the security forces. There were no reports that members of the security forces committed abuses.

Significant human rights issues included credible reports of serious government corruption.

The government took steps to investigate and prosecute officials who committed human rights abuses or engaged in corruption.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports that the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or

Punishment, and Other Related Abuses

The constitution and law prohibit such practices, and there were no reports that government officials employed them.

Prison and Detention Center Conditions

Prison and detention center conditions were inadequate and did not meet international standards.

Abusive Physical Conditions: The country's only jail, in Koror, did not segregate men and women prisoners, nor did it separate those convicted of crimes from pretrial detainees or overnighters (24-hour hold).

There was no infirmary in the jail. Police escorted ill prisoners to the emergency room at the national hospital and guarded them there.

Administration: There were no known reports of mistreatment. The Office of the Ombudsman, vacant since 2016, is not independent.

Independent Monitoring: There were no requests for human rights observers to visit prisons.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government generally observed these requirements.

Arrest Procedures and Treatment of Detainees

The law requires warrants for arrests, and officials observed the law. The Office of the Attorney General or the Office of the Special Prosecutor prepares warrants and a judge signs them. The law provides for a prompt judicial determination of the legality of detention, a requirement authorities observed. Authorities informed detainees promptly of charges against them and provided prompt access to family members and lawyers. If a detainee could not afford a lawyer, the public defender or a court-appointed lawyer was available. There is a functioning system of bail.

An arrested person has the right to remain silent and to speak to and receive visits from counsel, family members, or the person's employer. Authorities must release or charge those arrested within 24 hours, and authorities must inform detainees of these rights.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government respected judicial independence and impartiality.

Trial Procedures

The law provides for the right to a fair and public trial, and an independent judiciary enforced this right.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Individuals or organizations may seek civil remedies for human rights abuses through domestic courts.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The law prohibits arbitrary or unlawful interference with privacy, family, home, or correspondence, and there were no reports that the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution and law provide for freedom of expression, including for members of the press and other media, and the government generally respected this

right. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for members of the media.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communication without the appropriate legal authority.

b. Freedoms of Peaceful Assembly and Association

The constitution provides for the freedom of peaceful assembly and association, and the government respected these rights.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

The law provides for freedom of movement, foreign travel, emigration, and repatriation, and the government respected these rights.

e. Protection of Refugees

Access to Asylum: The law does not provide for granting asylum or refugee status. The government provided some protection against expulsion or return of potential refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: In the November 2020 presidential and legislative elections, voters elected Surangel Whipps Jr. as president. Observers judged the elections generally free and fair.

Participation of Women and Members of Minority Groups: No laws prohibit or limit the participation of women or members of historically marginalized or minority groups in the political process, if they are citizens, and they did participate.

Section 4. Corruption and Lack of Transparency in Government

Corruption among officials was a problem, and the government took some steps to address it. The law provides criminal penalties for corruption of and by officials. The Office of the Special Prosecutor, an independent entity, is authorized to prosecute all acts of corruption in the government. There were reports of government corruption during the year.

Corruption: The Office of the Special Prosecutor continued to receive reports of corruption and mismanagement of public funds.

On November 4, the former governor of Koror, Franco Bares Gibbons, was found guilty on four counts: misconduct in public office, misuse of government property, conflict of interest, and tampering with a government record. The misconduct occurred in 2020. On October 6, Gibbons' former chief of staff, Joleen Ngoriakl, was convicted of using government property and her official position for personal advantage, specifically, for the renovation of her family home and improvements to her personal residence in Koror.

In December 2021, Semdiu Decherng, a former executive commissioner of the Financial Institutions Commission, was charged with three felonies and two misdemeanors for misconduct in public office, criminal property damage, theft of government property, and using national properties for private activities that serve no governmental purpose. As of October, the case was pending.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

Domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

Government Human Rights Bodies: The Office of the President includes an Office of the Ombudsman, but the position has been vacant since 2016.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: Rape of women, including spousal rape, is a crime punishable by a maximum of 25 years' imprisonment, a substantial fine, or both. Domestic violence is a criminal offense. The government enforced laws on rape and domestic violence effectively when incidents were reported. Many persons, however, were reportedly reluctant to call police in these situations due to societal pressure. A nongovernmental organization (NGO), Semesemel Klengeakel (Strengthening Family), helped families at high risk of domestic violence with counseling sessions and services, working closely with the Ministries of Justice and Health.

Sexual Harassment: Sexual harassment is illegal and punishable by a maximum of one year's imprisonment, a fine, or both. No cases were reported to the Office of the Attorney General. The government enforced the law effectively.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

The government provided access to sexual and reproductive health services, including emergency contraception, for survivors of sexual violence.

Discrimination: The law provides the same legal status and rights for women and men. The inheritance of property and of traditional rank, however, is matrilineal.

There were no reports of unequal pay for equal work or gender-related job discrimination. The government generally enforced the law effectively.

Systemic Racial or Ethnic Violence and Discrimination

While the constitution outlines the fundamental rights of every person, it does not explicitly protect racial or ethnic minorities from violence or discrimination.

Authorities did not pursue or prosecute crimes committed against foreigners with the same vigor as crimes against citizens.

The constitution affords citizenship only to ethnic Palauans. Members of other communities such as Filipinos or Bangladeshis, including those born in the country and long-term legal residents, were not citizens. Such noncitizens made up approximately one-third of the country's total population.

The law prohibits noncitizens from purchasing land, and there are no provisions for naturalization. Some foreign nationals experienced discrimination in employment, pay, housing, education, and access to social services, although the law prohibits such discrimination.

Children

Birth Registration: Citizenship derives from one's parents; either parent may convey citizenship. Authorities registered births immediately. Authorities register a child born to foreign national parents as a citizen of the parents' countries.

Child Abuse: Child abuse is illegal and is punishable by up to five years' imprisonment, a fine, or both. By law medical staff, teachers, police, and any other person authorized to provide care for a child must report suspected incidents of child abuse. Failure to report is a misdemeanor punishable by not more than one year's imprisonment, a fine, or both. The assistant attorney general stated that child abuse was a serious problem and was underreported because it is a taboo topic in traditional culture.

Child, Early, and Forced Marriage: There is no minimum age for marriage between two citizens. The minimum age for marriage between a citizen and a noncitizen is 18 for a man and 16 for a girl, and girls younger than 18 must obtain

parental permission. Underage marriage was not common.

Sexual Exploitation of Children: The law does not explicitly prohibit child pornography; it does prohibit the commercial sexual exploitation of children, and the law was enforced. The age of consensual sex is 17. Sexual assault of a minor younger than age 15 is a felony and is subject to a maximum imprisonment of 25 years, a substantial fine, or both. Child sexual abuse is a felony with penalties being substantial fines, imprisonment for up to 25 years, or both.

Antisemitism

There were reportedly fewer than 20 persons in the Jewish community. There were no reports of antisemitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: No law criminalizes consensual same-sex sexual conduct between adults.

Violence against LGBTQI+ Persons: There were no reported acts of violence based on sexual orientation, gender identity and expression, or sex characteristics, but NGOs dealing with lesbian, gay, bisexual, transsexual, queer, or intersex (LGBTQI+) rights indicated that such acts may go unreported or misreported.

Discrimination: The law does not protect LGBTQI+ persons from discrimination. The constitution defines marriage as between a man and a woman. The NGO Living All Inclusive in Belau (LAIIB) reported extensive bullying of LGBTQI+ individuals and discrimination in the health care system and stated the stigma against LGBTQI+ persons in traditional culture prevented these individuals from seeking redress for discrimination. HIV treatment in state-run facilities focused

more on abstinence and the harm of same-sex activity than on providing treatment for HIV, according to LAIIB. Private clinics, often run by foreigners, were less judgmental when treating HIV patients, LAIIB noted.

Availability of Legal Gender Recognition: Legal gender recognition is not allowed, and there are no mechanisms for individuals to change their name or gender assigned at birth.

Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals: There were no official reports of so-called conversion therapy practices or intersex normalization surgeries.

Restrictions on Freedom of Expression, Association, or Peaceful Assembly: There were no such restrictions. Several public figures have supported LGBTQI+ rights. Former president Tommy Remengesau Jr. signed the charter creating LAIIB, the first LGBTQI+ advocacy group in the country.

Persons with Disabilities

Persons with disabilities can access education, health services, public buildings, and transportation on an equal basis with others. The law includes a provision for access to government buildings for persons with disabilities, and the government generally enforced this provision, though most older government buildings were not accessible. Most public schools had programs to address the education needs of students with disabilities that included mainstreaming them with other students.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of all persons to join and organize labor unions and to bargain collectively; no laws regulate trade union organization. The law neither provides for nor prohibits the right to strike, and the government has not addressed this issue. There is no law barring antiunion discrimination.

There were no active labor unions or other employee organizations. Most businesses were small-scale, family-run enterprises employing relatives and

friends.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. Penalties for forced labor offenses include imprisonment, fines, or both. The Office of the Attorney General, the Bureau of Public Safety, and the Bureau of Labor and Human Resources (all within the Ministry of Justice) are responsible for enforcing the law. The government did not effectively enforce the law.

Abuses most commonly reported included misrepresentation of contract terms and conditions of employment, withholding of pay or benefits, and substandard food and housing. Victims of these abuses were typically migrant workers from the Philippines and Bangladesh working in construction and domestic service. There were also complaints of physical abuse.

Also see also the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits all the worst forms of child labor. The minimum age of employment for citizens is 16, and the minimum age for noncitizens is 21, excluding entertainers applying for temporary identification certificates. The law requires the government to protect children from exploitation. The Office of Labor Compliance is responsible for enforcing child labor laws and regulations. The government effectively enforced the law, and the penalties were commensurate with those for analogous serious crimes, such as kidnapping. There were no reports of children who worked in the formal economy, but some assisted their families with fishing, agriculture, and small-scale family enterprises. There were no confirmed reports during the year of the worst forms of child labor.

d. Discrimination with Respect to Employment and Occupation

The constitution prohibits discrimination with respect to employment or occupation based on race, sex, marital status, place of origin, religion, disabilities, or political grounds. The law protects women from job discrimination and

provides for equal pay for equal work. The Office of Labor Compliance and the Bureau of Human Resources promoted workplace gender equality. The law does not prohibit discrimination with respect to employment or occupation based on sexual orientation or gender identity, HIV or other communicable disease status, or refugee or statelessness status. No formal or documented reports of employment discrimination were reported, but if there is discrimination with regards to unfulfilled contractual terms of employment, an employee may go to the Office of Labor Compliance or Bureau of Human Resources for assistance.

e. Acceptable Conditions of Work

Wage and Hour Laws: The law provides for a minimum wage for both government and private-sector employment which was above the poverty income level.

The minimum wage does not apply to workers in the informal sector, including, for example, domestic service and some categories of agricultural labor. It also does not apply to employees who are students or to temporary or probationary work by students and persons younger than 21.

The workweek for public employees is 40 hours a week. For private sector employees it depended on the terms of the contract; the legal minimum time off is one day per week. Foreign workers in the private sector were entitled to one day off per week, consisting, however, only of 10 continuous hours without work between 6 a.m. and 6 p.m.

Occupational Safety and Health: The law states that employers shall adopt reasonable and adequate occupational safety and health (OSH) rules; it does not set safety and health standards. No law protects workers who file complaints about hazardous conditions. Foreign workers may self-censor complaints due to fear they could lose their job if they removed themselves from situations that endangered health or safety.

There were no reports of significant industrial accidents.

Wage, Hour, and OSH Enforcement: The Office of Labor Compliance had eight labor officers/inspectors responsible for enforcing minimum wage laws,

regulations regarding working conditions of foreign employees, and safety standards. The government did not effectively enforce the law.

Penalties for violations of wage laws and violations of OSH rules were commensurate with those for similar crimes, such as fraud and negligence. Penalties include a range of fines per violation and imprisonment but were rarely applied against violators. For noncompliance with minimum wage requirements, employers are subject to a civil penalty for noncompliance in addition to the amount of taxes, social security contributions, and interest on unpaid wages.

Inspectors have the authority to make unannounced inspections of workplaces and employer-provided housing. They may initiate sanctions, but the number of inspectors was insufficient to enforce compliance and penalties were rarely applied against violators.

There were continued reports of the mistreatment of foreign workers by employers. Noncitizens, approximately one-third of the overall population, were especially at risk of labor abuses. Inspections may be based on the specific complaint of an employee. Migrant workers most likely to be abused included domestic helpers, farmers, waitresses, cashiers, beauticians, hostesses in karaoke bars and massage parlors, and construction and other semiskilled workers, the majority of whom were from the Philippines and Bangladesh. Local workers were largely employed in the government sector, while migrant workers worked in the private sector, mainly in tourism.

Informal Sector: Informal sector workers were not protected under the law. The informal sector included self-employment jobs such as cleaners, caterers, tour guides, local jewelry makers, painters, and recyclers.